

**Pt. 502, Subpt. W, App. A**

**46 CFR Ch. IV (10–1–11 Edition)**

hearing have been waived by the respondent in writing. [Rule 605.]

Date: \_\_\_\_\_

[49 FR 44418, Nov. 6, 1984. Redesignated at 58 FR 27211, May 7, 1993, as amended at 64 FR 7813, Feb. 17, 1999]

*Approval and Acceptance*

The above terms, conditions and consideration are hereby approved and accepted:

By the Federal Maritime Commission:

Director, Bureau of Enforcement

**APPENDIX A TO SUBPART W OF PART 502—EXAMPLE OF COMPROMISE AGREEMENT TO BE USED UNDER 46 CFR 502.604**

Date: \_\_\_\_\_

[49 FR 44418, Nov. 6, 1984. Redesignated at 58 FR 27211, May 7, 1993, as amended at 61 FR 51233, Oct. 1, 1996; 65 FR 81759, Dec. 27, 2000]

*Compromise Agreement*

FMC File No. \_\_\_\_\_

This Agreement is entered into between:

(1) the Federal Maritime Commission, hereinafter referred to as Commission, and

(2) \_\_\_\_\_, hereinafter referred to as Respondent.

Whereas, the Commission is considering the institution of an assessment proceeding against Respondent for the recovery of civil penalties provided under the [appropriate statute], for alleged violations of section \_\_\_\_\_;

Whereas, this course of action is the result of practices believed by the Commission to have been engaged in by Respondent, to wit: [General description of practices and dates or time period involved]

Whereas, the Commission has authority under the Shipping Act of 1984 to compromise and collect civil penalties; and,

Whereas, Respondent has terminated the practices which are the basis for the allegations of violation set forth herein, and has instituted and indicated its willingness to maintain measures designed to eliminate these practices by Respondent, its officers, directors or employees.

Now Therefore, in consideration of the premises herein, and in compromise of all civil penalties arising from the alleged violations, Respondent and the Commission hereby agree upon the following terms and conditions of compromise and settlement:

1. Respondent shall make a monetary payment to the Commission herewith, by bank cashier's check, in the total amount of \$ \_\_\_\_\_.

2. Upon acceptance in writing of this Agreement by the Director of the Bureau of Enforcement of the Commission, this instrument shall forever bar the commencement or institution of any assessment proceeding or other claim for recovery of civil penalties from the Respondent arising from the alleged violations set forth above.

3. It is expressly understood and agreed that this Agreement is not, and is not to be construed as, an admission by Respondent to the alleged violations set forth above.

(Respondent's Name)

By: \_\_\_\_\_  
Title: \_\_\_\_\_

**Subpart X—Paperwork Reduction Act**

**§ 502.991 OMB control numbers assigned pursuant to the Paperwork Reduction Act.**

This section displays the control numbers assigned to information collection requirements of the Commission in this part by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980, Pub. L. 96-511. The Commission intends that this section comply with the Act, which requires that agencies display a current control number assigned by the Director of OMB for each agency information collection requirement:

Section	Current OMB control no.
502.27 (Form FMC.12) .....	3072-0001

[49 FR 44369, Nov. 6, 1984. Redesignated at 58 FR 27211, May 7, 1993]

**PART 503—PUBLIC INFORMATION**

**Subpart A—General**

Sec.

503.1 Statement of policy.

**Subpart B—Publication in the Federal Register**

503.11 Materials to be published.

503.12 Effect of nonpublication.

503.13 Incorporation by reference.

**Subpart C—Records, Information and Materials Generally Available to the Public Without Resort to Freedom of Information Act Procedures**

503.21 Mandatory public records.

503.22 Records available at the Office of the Secretary.